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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,910	01/16/2004	Bill C. Panagos	LEAR 04796 PUS	7071
34007	7590	06/29/2006	EXAMINER	
BROOKS KUSHMAN P.C. / LEAR CORPORATION			SPISICH, GEORGE D	
1000 TOWN CENTER			ART UNIT	
TWENTY-SECOND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			3616	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,910

Applicant(s)

PANAGOS ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 20, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14, 15, 17-20 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 13 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/20/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6-9,12,14,15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/06426.

WO '426 discloses an assembly for a vehicle seat comprising an air bag module including an inflatable air bag (32), a trim cover (25a) that covers at least a portion of the air bag module having a deployment seam (40) for allowing the airbag to deploy through the trim cover, and an air bag deployment member (50a, 50b) that substantially circumscribes the air bag module, the deployment member (as best seen in Figs. 1 and 5B) is connected to the trim cover on only one side of the deployment seam. There is a frame (23, 28, 28a) and the air bag module is supported by the frame.

There is shown (see Fig. 5B) the deployment member having first and second ends, the first end being connected to the trim cover (as one of the ends contacts the trim cover) and the second end being connected to a portion of the deployment members proximate the first end (as the second end contacts the inner side of the first end). They are considered connected in the claimed manner especially as the stitching

Art Unit: 3616

allows for the first end to be connected to the trim cover and the second end to be connected to the first end. The second end of the deployment band is not connected directly to the trim cover since the second end is connected directly to the first end. This is also interpreted to be "spaced away from the trim cover" (claims 19,24) since the second end is spaced away by the thickness of the first end.

The side of the end of the second section (claims 20,23,25) (as shown in Figure 1) contacts the trim cover in an abutting manner. This portion is similar to a cross section of the second section.

The deployment band is configured such that the first and second ends separate from each other upon inflation of the airbag.

The deployment member comprises a one piece band.

The air bag module further includes an inflator (33) and a housing or covering member (31) that substantially surrounds the air bag and the inflator.

The deployment member is considered to have a first section being connected to the trim cover and extending toward a first side of the air bag module and a second section connected to the first section at a location proximate the trim cover and extending toward a second side of the air bag module. (The member need not be separate to be considered to have first and second sections or having these sections "cooperate"). The first and second section of the deployment device "cooperate" to substantially surround the air bag module.

As the frame member is considered 23, 28 and 28a, at least one of the sections of the deployment device is connected to the frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO '426 in view of Brown (USPN 6,206,410).

WO '426 has been discussed in the rejection above, however, WO '426 does not disclose the deployment member comprising multiple pieces.

Brown discloses a seat airbag module arrangement that deploys through a seam in a trim cover. Brown discloses a deployment member (18) that circumscribes the airbag module and this deployment member is made of multiple pieces and then stitched (60) near the mount of the air bag module. This arrangement is disclosed as an easier way to make and assemble the element.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deployment member of WO '426 by making the deployment member in multiple pieces that are connected together as taught by Brown for the ease of manufacturing and/or assembly of the elements.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '426 in view of Homier et al. (USPN 5,967,546).

WO '426 has been discussed in the rejection. Although it may broadly considered that WO '426 shows a frame for supporting the air bag module and the deployment member "at least partially" surrounds the frame since the deployment member contacts a substantial portion, Examiner is relying on Homier et al. for a clear representation of a deployment member that at least partially surrounds the frame.

Homier et al. discloses a seat air bag module having a frame (20) for supporting the air bag module, and wherein the deployment member (26) at least partially surrounds the frame. Homier et al. teaches the inclusion of the frame/mount within the deployment member and provides the arrangement in an enclosed environment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arrangement of WO '426 so as to provide the deployment member to encompass the frame/mount as taught by Homier et al. so as to provide an enclosed environment for the airbag module.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO '426 in view of Wu (USPN 6,045,151).

WO '426 has been discussed in the prior rejection, and although it may be considered that the reference includes a housing having first and second portions that "are movable away from each other" as they only are required to have the ability to do so to meet this language, and the first and second sections of the deployment device are fastened to the housing, Examiner is not relying on this reference for these limitations.

Wu discloses a seat air bag arrangement having a deployment member (86) having first and second sections (as previously discussed these sections need not be separate) circumscribing the air bag module and a housing (72) that at least partially surrounds the air bag, the housing including first and second housing portions (again, the need not be separate portions) that are movable away from each other (col. 4, lines 46-48) this member is designed to rupture during deployment and therefore "movable away from each other" and the first section of the deployment device is connected (fastened) to the first housing portion and the second section of the deployment device is connected (fastened) to the second housing portion. These pieces cooperate to allow for the proper deployment of the air bag.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag arrangement of WO '426 to include a housing having first and second portions that are movable away from each other during deployment and having the deployment device connected to the housing portions as taught by Wu, so as to properly enclose the air bag arrangement and ensure the proper deployment of the air bag.

Allowable Subject Matter

Claims 13 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art does not show details as claimed and further having end portions of first and second end of the deployment band connected to first and second housing portions respectively in such a manner that the first end is spaced away from the second section.

Response to Arguments

Applicant's arguments filed March 20, 2006 have been fully considered but they are not persuasive.

With respect to Applicant's argument that the second section of the deployment band not being directly connected to the trim cover, Examiner disagrees and maintains the rejection. Examiner points out that since the first section is connected to the trim cover and the second section is connected to/contacting the first section, it is proper to state that the second section is not connected "directly" to the trim cover. Applicant is considering WO '426 to have the second section connected "directly to" the trim cover since there are stitches connecting the second section to the first section and to the trim cover. Examiner has the position that to be directly connected to something, there must be contacting surfaces between the two members which is not the case in WO '426. The limitation in dependent claims that the second section is connected to the first section proximate the first end and spaced apart from the trim cover is not specific so as to differentiate over WO '426. Applicant may consider detailed limitations that relate the connection point between the first and second sections as being spaced from the connection point between the first section and the trim cover.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
June 24, 2006



6/26/06
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